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CATHLEEN M. DEVLIN

Phone: (215) 972-8562

Fax: (215) 972-1835

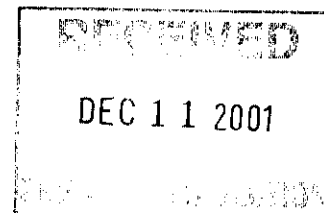
cdevlin@saul.com

www.saul.com

December 11, 2001

**VIA HAND DELIVERY**

Ms. Carlyn Winter Prisk  
Paralegal/Civil Investigator  
USEPA Region III  
Hazardous Sites Cleanup Division (3HS11)  
1650 Arch Street  
Philadelphia, PA 19103



**Re: Lower Darby Creek Area Superfund Site**

Dear Carlyn:

On behalf of Waste Management, Inc., I enclose (1) the Response of Waste Management, Inc. to USEPA Request for Information Pursuant to CERCLA Section 104(e) Re: Eastern Industrial, and (2) the Response of Waste Management, Inc. to USEPA Request for Information Pursuant to CERCLA Section 104(e) Re: Tri-County Hauling, Inc.

Please do not hesitate to call either Joe O'Dea at 215-972-7109 or me if you wish to discuss the enclosed materials, or with any questions you may have in this regard.

Sincerely,

*Cathleen M. Devlin*  
Cathleen M. Devlin

Enclosures

cc: Brian Nishitani, Esquire (3RC44) (VIA HAND DELIVERY) (w/enc.)

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(12/29)

**RESPONSE OF WASTE MANAGEMENT, INC.  
TO USEPA REQUEST FOR INFORMATION PURSUANT TO  
CERCLA SECTION 104(e) RE: EASTERN INDUSTRIAL**

*EPA has reason to believe that in the late 1970s or early 1980s, you may have purchased Eastern Industrial, a waste hauling firm operating in and around Philadelphia County and Delaware County, Pennsylvania. EPA also has reason to believe that Eastern was involved in the transportation of wastes to Clearview, Folcroft and Folcroft Annex. Accordingly, please respond to the following questions:*

1. *Provide any and all information and records regarding your purchase of Eastern including, but not limited to, the following:*
  - a. *The purpose of the purchase;*
  - b. *The date of the sale;*
  - c. *The sale price;*
  - d. *A list of all equipment, buildings and other business capital that was included in the sale;*
  - e. *A list of all waste transportation contracts included or referenced in the purchase agreement;*
  - f. *A list of all the agreements and/or contracts with landfills and other waste disposal facilities included or referenced in the purchase agreement; and*
  - g. *The names, title, addresses and phone numbers of any of your employees or representatives that may have knowledge of the purchase agreement and its terms.*

**Response to Question No. 1:**

Waste Management, Inc. ("Waste Management") has undertaken extensive, good faith investigative efforts to develop responses to USEPA's requests, including thorough reviews of available documents. To date, no information has been located to indicate that Waste Management ever purchased Eastern Industrial or any assets of Eastern Industrial. Accordingly, Question No. 1, including subparts a through g, are not applicable to Waste Management.

2. *State whether you notified existing Eastern customers or otherwise advertised yourself to Eastern customers or the public as a continuation of the Eastern business.*

**Response to Question No. 2:**

Not applicable. See Waste Management's Response to Question No. 1.

3. *Did you hire or otherwise retain any of Eastern's employees subsequent to the purchase of Eastern? If so, provide the following information:*
- a. *The names and dates of employment of each of those employees;*
  - b. *The job title and responsibilities of each of those employees; and*
  - c. *The current addresses and phone numbers of each of those employees.*

**Response to Question No. 3:**

Not applicable. See Waste Management's Response to Question No. 1.

4. *Did you continue to transport waste to Clearview, Folcroft and/or Folcroft Annex after the purchase of Eastern? If so, provide the following information:*
- a. *A list of and all records regarding the contracts and/or agreements under which the transportation activities were performed;*
  - b. *Identify the period of time that you used Clearview, Folcroft and/or Folcroft Annex;*
  - c. *State how you determined to which location you would transport the waste materials. Include the names of the persons responsible for making such determinations; and*
  - d. *Identify all federal, state and local permits under which you operated with respect to the transportation of the wastes to the Clearview, Folcroft and/or Folcroft Annex.*

**Response to Question No. 4:**

Not applicable. See Waste Management's Response to Question No. 1.

5. *List and provide all records regarding the waste types and quantities transported by you to Clearview, Folcroft and/or Folcroft Annex.*

**Response to Question No. 5:**

Waste Management is responding separately to USEPA's Request for Information pursuant to CERCLA Section 104(e), dated on or about August 8, 2001, concerning Tri-County Hauling, Inc. See Waste Management's Response to same, submitted to USEPA contemporaneously herewith.

6. *List and provide all records regarding the customers serviced by you that may have been transported to Clearview, Folcroft and/or Folcroft Annex. For each of these customers, include the following information:*
- a. *The names, addresses and business type of each customer;*
  - b. *The types and quantities of waste materials generated by each customer;*
  - c. *How and where the waste materials were collected by each customer; and*
  - d. *The services, in addition to waste pickup and transportation, provided by you to each of these customers.*

**Response to Question No. 6:**

See Waste Management's Response to Question No. 5.

7. *Were you involved in the operation or management of Clearview, Folcroft and/or Folcroft Annex or in any other business relationship involving the owners or operators of Clearview, Folcroft and/or Folcroft Annex?*

**Response to Question No. 7:**

See Waste Management's Response to Question No. 5.

8. *Describe your business relationship with the following individuals or companies:*
- a. *Mr. Mike Wilson;*
  - b. *S. Buckly Trash Hauling;*
  - c. *Barratt Rupert Hauling Service;*

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(p. 5)
- d. *Tri-County Hauling;*
  - e. *McCloskey Engineering, Inc.;*
  - f. *Mr. Bernie McNichol;*
  - g. *Mr. Harry McNichol;*
  - h. *Tri-County Landfill*
  - i. *Mr. Charles Frank; and*
  - j. *Mr. Matt Brimmeier.*

**Response to Question No. 8:**

See Waste Management's Response to Question No. 5.

9. *Did you conduct, or did any person or entity conduct on your behalf, any environmental assessments or investigations relating to contamination at Clearview, Folcroft and/or Folcroft Annex or any other Site areas? If so, please provide all documents pertaining to such assessments or investigations.*

**Response to Question No. 9:**

See Waste Management's Response to Question No. 5.

10. *If you have any information about other parties who may have information that may assist the EPA in its investigation of Clearview, Folcroft and/or Folcroft Annex and the other Site areas, including information regarding parties responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.*

**Response to Question No. 10:**

See Waste Management's Response to Question No. 5.

11. *Representative of your establishment(s):*

- a. *Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number and relationship to the company.*

**Response to Question No. 11a:**

Stephen T. Joyce  
Area Director, Closed Sites  
Waste Management, Inc.  
4 Liberty Lane West  
Hampton, NH 03842

Any contact with Mr. Joyce should be made through counsel for Waste Management.

- b. *Provide the name, title, current address and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.*

**Response to Question No. 11b:**

Joseph F. O'Dea, Jr., Esq.  
Saul Ewing LLP  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102-2186  
215-972-7109

12. *If any of the documents solicited in this information request are no longer available, please indicate the reason that they are no longer available. If the records were destroyed, provide us with the following:*

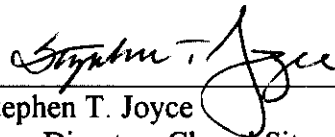
- a. *Your document retention policy;*
- b. *A description of the type of information that would have been contained in the documents; and*
- c. *The name, job title and most current address known by you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.*

**Response to Question No. 12:**

See Waste Management's Responses to Question Nos. 1 and 5.

**CERTIFICATION**

On behalf of Waste Management, Inc., I hereby certify that the foregoing responses to USEPA's Requests for Information are true and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Stephen T. Joyce  
Area Director, Closed Sites  
Waste Management, Inc.

Dated: 12/10/01

**RESPONSE OF WASTE MANAGEMENT, INC.  
TO USEPA REQUEST FOR INFORMATION PURSUANT TO  
CERCLA SECTION 104(e) RE: TRI-COUNTY HAULING, INC.**

1. *Please provide any and all information and records regarding your purchase or acquisition of, or merger with, or the purchase, acquisition, or merger of one of your subsidiaries or with, Tri-County Hauling, Inc.*
  - a. *The purpose of the purchase, acquisition or merger;*
  - b. *The date of the sale;*
  - c. *The sale price;*
  - d. *A list of the equipment, buildings and other business capital that was included in the sale, acquisition or merger;*
  - e. *A list of all waste transportation contracts included or referenced in the purchase or merger agreement;*
  - f. *A list of all the agreements and/or contracts included or referenced in the purchase or merger agreement; and*
  - g. *The names, title, addresses and phone numbers of any of your employees or representatives that may have knowledge of the purchase or merger agreement and its terms.*

**Response to Request No. 1:**

While USEPA's requests concerning Tri-County Hauling, Inc. have been directed to "Waste Management, Inc.," the entity to which these Requests are properly directed is Waste Management Disposal Services of Pennsylvania, Inc., f/k/a SCA Services of Pennsylvania, Inc. (hereinafter, "Waste Management"). All responses herein are provided on behalf of this entity. Waste Management has undertaken extensive, good faith investigative efforts to develop responses to USEPA's requests, including thorough reviews of available documents. Waste Management hereby responds to Question No. 1, including subparts a through g, as follows:

Waste Management has been unable to locate acquisition documents relating to Tri-County Hauling, Inc. Based upon the corporate documents provided to USEPA on or about November 6, 2001 and bearing bates labels WM013541 through WM013561, however, and upon information and belief, M.K.B. Corporation, a Pennsylvania corporation, was incorporated on or about October 1, 1958 and was owned and operated by Bernard T. McNichol ("McNichol"). Sometime thereafter, upon information and belief, Tri-County Hauling Company, a Pennsylvania partnership, was formed, and was also owned and operated



by McNichol. On September 29, 1972, SCA Services, Inc., a Delaware corporation, acquired certain assets and certain liabilities from Tri-County Hauling Company, the Pennsylvania partnership. On September 30, 1972, SCA Services, Inc. transferred these assets and liabilities to M.K.B. Corporation. On February 7, 1973, M.K.B. Corporation changed its name to Tri-County Hauling, Inc.

On March 31, 1976, Tri-County Hauling, Inc. merged into Pottstown Disposal Service, Inc. ("Pottstown"), which had been acquired by SCA Services, Inc. on December 27, 1972. The same day, Pottstown changed its name to SCA Services of Pennsylvania, Inc. On September 25, 1984, SCA Services, Inc., of which SCA Services of Pennsylvania, Inc. was a subsidiary, merged into WM Acquiring Corporation, a wholly-owned subsidiary of what was then known as Waste Management, Inc., and is now known as Waste Management Holdings, Inc. Thereafter, on December 31, 1993, SCA Services of Pennsylvania, Inc. changed its name to Waste Management Disposal Services of Pennsylvania, Inc., the sole shareholder of which is Waste Management Holdings, Inc. As of July 16, 1998, Waste Management Holdings, Inc. became a wholly-owned subsidiary of USA Waste Services, Inc., which is now known as Waste Management, Inc., a Delaware corporation.

Waste Management reserves the right to supplement its response to the extent that additional responsive information and/or documents become available.

2. *State whether you or one of your subsidiaries notified existing Tri-County Hauling, Inc. customers or otherwise advertised yourself to Tri-County customers or the public as a continuation of the Tri-County business.*

**Response to Request No. 2:**

To date, Waste Management has not located any notices or advertisements of this nature. Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

3. *Did you hire or otherwise retain any of Tri-County's employees subsequent to the purchase, acquisition or merger of Tri-County? If so, please provide the following information:*
  - a. *The names and dates of employment for each of those employees;*
  - b. *The job title and responsibilities for each of those employees; and*
  - c. *The current addresses and phone numbers for each of those employees.*

**Response to Request No. 3:**

At the time that SCA Services of Pennsylvania, Inc. (into which Tri-County Hauling, Inc. was merged on March 31, 1976) became a Waste Management entity on September 25, 1984, any former employees of Tri-County Hauling, Inc. who were still working for SCA Services of Pennsylvania, Inc. became Waste Management employees. By way of further answer, the following individuals, holding the following positions and having the following last known addresses, are believed to have been employed before and after the series of transactions in September 1972 whereby SCA Services, Inc. acquired certain assets from Tri-County Hauling Company, the Pennsylvania partnership, and then transferred these assets to M.K.B. Corporation (which changed its name to Tri-County Hauling, Inc. on February 7, 1973):

Bennie Bell - Helper  
Deceased

John Lee - Driver  
[REDACTED]

James Bennett - Driver  
[REDACTED]

Joseph Lukasavage - position unknown  
Deceased

James E. Berry - Driver  
Deceased

Benjamin Matthews - Driver  
[REDACTED]  
[REDACTED]

Alvergus Boddie - Driver  
Deceased

Raymond H. Miller - Helper  
[REDACTED]  
[REDACTED]

Darrell M. Carr -  
Commercial Services  
[REDACTED]  
[REDACTED]

Edward P. Mullen, Sr. - Manager  
Deceased

Michael N. Esher - Driver  
[REDACTED]  
[REDACTED]

Edward P. Mullen, Jr. -  
Commercial Services  
[REDACTED]  
[REDACTED]

Eugene Fields - Driver  
[REDACTED]  
[REDACTED]

William R. Pine - Driver  
[REDACTED]  
[REDACTED]

Charles Focht - position unknown  
[REDACTED]

Joseph Sanders - Driver  
[REDACTED]

Earl R. Gaines - Driver  
Deceased

Charles E. Smith - Driver  
[REDACTED]

William G. Jones - position unknown  
[REDACTED]

Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that additional responsive information and/or documents become available.

4. *Did you continue to transport waste to Clearview, Folcroft and/or Folcroft Annex after the purchase, acquisition of or merger with Tri-County?*
- a. *A list of all records regarding the contracts and/or agreements under which the transportation activities were performed;*
  - b. *Identify the period of time that you used Clearview, Folcroft and/or Folcroft Annex;*
  - c. *State how you determined to which location you would transport the waste materials. Include the names of the persons responsible for making such determinations; and*
  - d. *Identify all federal, state and local permits under which you operated with respect to the transportation of the wastes to the Clearview, Folcroft and/or Folcroft Annex.*

**Response to Request No. 4:**

Not applicable; upon information and belief, Clearview, Folcroft and/or Folcroft Annex were no longer accepting waste by the time that SCA Services of Pennsylvania, Inc. (into which Tri-County Hauling, Inc. was merged on March 31, 1976) became a Waste Management entity on September 25, 1984. Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that additional responsive information and/or documents become available.

5. *List and provide all records regarding the waste types and quantities transported by Tri-County or its successors to Clearview, Folcroft and/or Folcroft Annex.*

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**Response to Request No. 5:**

To date, Waste Management has not located any records indicating the types or quantities of any wastes transported by Tri-County Hauling, Inc. to Clearview, Folcroft and/or Folcroft Annex. By way of further answer, Waste Management incorporates its response to Request No. 6 below. Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

6. *List and provide all records regarding the customers serviced by Tri-County or its successors that may have been transported to Clearview, Folcroft and/or Folcroft Annex. For each of these customers, include the following information:*
- a. *The names, addresses and business types of each customer;*
  - b. *The types and quantities of waste materials generated by each customer;*
  - c. *How and where the waste materials were collected from each customer; and*
  - d. *The services, in addition to waste pickup and transportation, provided by you to each of these customers.*

**Response to Request No. 6:**

See documents bearing bates labels WM000170 through WM013540, provided by Waste Management to USEPA by letter dated September 17, 2001, which consist of pickup tickets and related materials identifying customers for which Tri-County Hauling, Inc. hauled waste, but do not identify any disposal location. See also documents provided to USEPA on or about November 6, 2001 and bearing bates labels WM013562 through WM013854, which consist of purchase orders, bid award documents and related correspondence for certain customers for which Tri-County Hauling, Inc. hauled waste, but also do not identify any disposal location. As such, it is presently unknown whether any of the waste transported by Tri-County Hauling, Inc. for any of these customers was disposed of at Clearview, Folcroft and/or Folcroft Annex, or at one or more of the other disposal facilities utilized by Tri-County Hauling, Inc. over the same time period.

Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

7. *Was Tri-County involved in the operation or management of Clearview, Folcroft and/or Folcroft Annex or in any other business relationship involving the owners or operators of Clearview, Folcroft and/or Folcroft Annex?*

**Response to Request No. 7:**

Waste Management is presently unaware of any involvement by Tri-County Hauling, Inc. in the operation or management of Clearview, Folcroft and/or Folcroft Annex. Moreover, Waste Management had no interest in Tri-County Hauling, Inc. at the time any business relationship between Tri-County Hauling, Inc. and the owners or operators of Clearview, Folcroft and/or Folcroft Annex may have existed, and Waste Management's investigation into any such business relationships predating its acquisition of an interest in Tri-County Hauling, Inc. is continuing. By way of preliminary response, see documents bearing bates labels WM000001 through WM000169, provided by Waste Management to USEPA by letter dated July 23, 2001, which reflect certain payments by either Tri-County Hauling Company, the Pennsylvania partnership, or Tri-County Hauling, Inc. to Folcroft Landfill Corporation and Clearview Land Development Co. Waste Management reserves the right to supplement its response based upon further investigation, and to the extent that responsive information and/or documents become available.

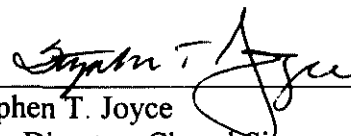
8. *Please describe in detail the document and record retention policies of Tri-County, Waste Management and any other company or entity, including any intermediary owner, which purchased, acquired or merged with Tri-County.*

**Response to Request No. 8:**

Waste Management's records retention policies are available for review upon request.

**CERTIFICATION**

On behalf of Waste Management, Inc., I hereby certify that the foregoing responses to USEPA's Requests for Information are true and correct to the best of my knowledge, information and belief.

A handwritten signature in black ink, appearing to read "Stephen T. Joyce", is written over a horizontal line.

Stephen T. Joyce  
Area Director, Closed Sites  
Waste Management, Inc.

Dated: 12/10/01